

**Notice of Allowability**

Application No.

10/603,229

Examiner

Li Zheng

Applicant(s)

YADAV ET AL.

Art Unit

1638

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to paper filed 2/15/07.
2. ☒ The allowed claim(s) is/are 52 and 53.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

***EXAMINER'S AMENDMENT***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Neil Feltham on May 8, 2007.

In claims:

Claim 52 A binary [transgenic] viral expression system comprising

(i) a chromosomally integrated blocking fragment comprising an inactive replicon bounded by site-specific sequences responsive to a site-specific recombinase, wherein the inactive replicon comprises;

a) a target gene comprising at least one suitable regulatory sequence;

and

b) site-specific sequences responsive to [a]the site-specific recombinase; and

(ii) a chromosomally integrated inactive silencing suppressor transgene; wherein expression of the site specific recombinase results in the site-specific recombination, and activation of both the replicon and the silencing suppressor gene, and the increased expression of the target gene; wherein the blocking fragment is located upstream of the

silencing suppresser and downstream of a promoter; and wherein the silencing suppresser transgene is selected from the group consisting of PI-I-IC-Pro, FIC-Pro[,] polypeptides of Tobacco Etch Virus and 2b protein of Cucumber Mosaic Virus and the inactive replicon is derived from a virus selected from the group consisting of Gemini viruses and single strand RNA viruses.

Claim 53 A binary [transgenic] viral expression system comprising[;]

- (i) a chromosomally integrated blocking fragment bounded by site-specific sequences responsive to a site-specific recombinase; and
- (ii) a chromosomally integrated inactive silencing suppresser transgene; wherein the silencing suppresser gene is selected from the group consisting of genes encoding BL1 or BR1 geminivirus movement proteins; wherein the blocking fragment is located upstream of the silencing suppresser and downstream of a promoter; and wherein the inactive replicon is derived from a virus selected from the group consisting of Gemini viruses and single strand RNA viruses.

In the specification :

The amendments to the Specification filed on 2/15/2007 are replaced with

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--This is a divisional of U.S. Patent Application No. 09/442,021 filed November 17, 1999, now United State Patent 6,632,980, which claims the benefit of United States Provisional Patent Applications, 60/063,504 filed October 24 1997; 60/130,086 filed April 20, 1999 and 60/150,225 filed August 23, 1999.--

### ***Status of Rejections***

All the rejections are withdrawn in light of Applicants' arguments, amendments and submission of the terminal disclaimer filed on 2/15/2007, as well as this amendment.

### ***Allowable Subject Matter***

Claims 52 and 53 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li Zheng whose telephone number is 571-272-8031.

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The examiner can normally be reached on Monday through Friday 9:00 AM - 5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg can be reached on 571-272-0975. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



ASHWIN D. MEHTA, PH.D.  
PRIMARY EXAMINER